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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,953	01/25/2001	Sompong P. Olarig	COMP:0195	5912

7590

06/01/2004

INTELLECTUAL PROPERTY ADMINISTRATION  
LEGAL DEPARTMENT M/S 35  
P.O. BOX 272400  
FT. COLLINS, CO 80527-2400

EXAMINER
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LE, DIEU MINH T

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 06/01/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/769,953

Applicant(s)

OLARIG, SOMPONG P.

Examiner

Dieu-Minh Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 13-30, 35-41 and 43-49 is/are rejected.  
7) ☒ Claim(s) 9-12, 31-34 and 42 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office Action is in response to the amendment filed March 22, 2004 in application 09/769,953.
  2. Claims 1-49 are again presented for examination.
  3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
  4. Double patenting rejections and claim objections in the previous office action are moot in view of terminal disclaimer and amendment filed on 03/22/04.
  5. Claims 1-8, 13-30, 35-41, and 43-49 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garbus et al. (US Patent 5,884,027 hereafter referred to as Garbus).
- This rejection is being applied for the same reasons set forth in the previous Office Action paper number 8, paragraph 4 mailed December 19, 2003.
- As per claims 1-8, 13-30, 35-41, and 43-49, see the previous office action for the detailed teaching of Garbus.
- Applicant's arguments filed 03/22/04 have been fully considered but they are not persuasive.

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Applicant asserts that Garbus failed to teach or suggest the following:

- A. an I/O bus selectively comprising one of a first type bus and a second type bus;
- B. performing a transaction over a portion of an I/O bus if an error is detected on an alternate portion of the I/O bus, more specifically a device interface connectable to an I/O bus having a first bus portion and second bus portion, wherein "if a first error is detected on the first bus portion, then the transaction is performed over the second bus portion," and wherein "if a second error is detected on the second bus portion, then the transaction is performed over the first bus portion."

Examiner respectfully transverses Applicant's argument as follows:

- A. First, it is not true that Garbus failed to teach, "an I/O bus selectively comprising one of a first type bus and a second type bus."

Examiner would like to bring Applicant attention to Garbus's multi-function device that integrates a high performance processor into a PCI to PCI bus bridge [abstract,

fig. 2]. Garbus explicitly teaches primary and secondary buses [fig. 2] which are PCI bus and VGA bus [col. 6, lines 17-25] via I/O communication.

This is clearly shown that Garbus's teaching capabilities are corresponding to Applicant's invention.

Second, Applicant referenced that "it would be desirable to provide a computer system having a core logic chipset configurable for either an accelerated graphics port (AGP) bus or a peripheral component interconnect (PCI) bus without requiring different logic and interface circuits for each type of bus" [specification, page 8, lines 15-17]{from Applicant's remarks, page 17, 2<sup>nd</sup> paragraph}. This is different from claim 1 which is "a core logic chipset comprising a configurable bridge interface connectable between the host bus and the I/O fault-tolerant interconnect system, the I/O fault-tolerant interconnect system comprising an I/O bus selectively comprising on of a type bus and a second type bus," Applicant inconsistently addressed its argument between the specification language and claim language. That is, 1) either AGP bus or PCI bus is used; 2) no specific AGP bus or PCI bus are called out in claim 1. Therefore, in response to Applicant's argument that the

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references fail to show certain features of Applicant's invention, it is noted that the feature upon which Applicant relies is not recited in the rejected claim. Although the claims is interpreted in light of the specification, limitations from the specification is not read into the claims. *In re Van Guens*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B. First, it is not true that Garbus failed to teach, "performing a transaction over a portion of an I/O bus if an error is detected on an alternate portion of the I/O bus, more specifically a device interface connectable to an I/O bus having a first bus portion and second bus portion, wherein "if a first error is detected on the first bus portion, then the transaction is performed over the second bus portion," and wherein "if a second error is detected on the second bus portion, then the transaction is performed over the first bus portion."

Garbus explicitly teaches:

- a "Master/Slave" networking communication environment [col. 7, lines 36-52].

This is clearly and inherently that Garbus does demonstrate the fail-over, redundancy, or backup functionality or capability

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within the networking buses error detection and failure recovery.

Second, Garbus further discloses:

- Master and target (i.e., primary and secondary buses) error detection and its transaction from primary interface to secondary interface [col. 17, table 4b, lines 1-26];
- Master, target, and local buses gain control due to lost signaling [col. 54, lines 15-60].

This is clearly shown that Garbus's teaching capabilities are corresponding to Applicant's invention.

6. Claims 9-12, 31-34, and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED

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STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (703) 305-9408. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 6:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for this Group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



**DIEU-MINH THAI LE  
PRIMARY EXAMINER  
ART UNIT 2114**

DML  
5/27/04